

____ JOINT RESOLUTION NO. ____

INTRODUCED BY _____
(Primary Sponsor)

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING CONGRESSIONAL ACTION TO ACKNOWLEDGE AND PASS LEGISLATION APPROPRIATELY RECOGNIZING THAT THE RIGHTS OF INDIVIDUAL CITIZENS ARE THE BASIS OF DEMOCRACY AND LIMITING THE RECOGNITION OF CORPORATIONS AS "PERSONS".

WHEREAS, the citizens of Montana wish to nurture and strengthen democracy in our state and across our nation by emphasizing that governance "of, by, and for the people" refers to governance of, by, and for individual human beings; and

WHEREAS, a central concept of democracy is that humans have rights and that human-created institutions, such as corporations, have privileges that are granted or can be revoked by citizens and their representatives; and

WHEREAS, the term "person" can be confusing because the word "person" may refer to a human being or to various human-created entities, as indicated by the Montana Codes Annotated using the term "person" more than 7,000 times, often specifying that "person" includes an individual, a partnership, a corporation, a limited liability company, or other business entities, agencies, or public organizations; and

WHEREAS, judicial interpretations, including *Santa Clara County v. Southern Pacific Railway Co.*, 118 U.S. 394 (1886), and *Minneapolis & St. Louis Railway Co. v. Beckwith*, 129 U.S. 26 (1889), have resulted in corporations gaining "personhood" status with constitutional rights to free speech, privacy, due process, and equal protection of the laws despite not being mentioned in the U.S. Constitution or in the Bill of Rights; and

WHEREAS, the combination of judicially created corporate personhood with the wealth and geographic reach of large corporations augments their power to a degree that corporate interests may dominate the interest of citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Montana Legislature finds that a democracy is intended to be governed of, by, and for the people as a group of individual human beings.

BE IT FURTHER RESOLVED, that the Montana Legislature recognizes the importance of retaining the basic control of a democracy in the hands of individual citizens and subordinating the interests of human-created institutions such as corporations to the will of the people.

BE IT FURTHER RESOLVED, that the Montana Legislature urges Congress to recognize that individual rights and corporate privileges are not equal and that corporate privileges are subordinate to the rights of individuals, especially those rights granted under the 1st, 4th, 5th, and 14th amendments, and that corporate privileges, while not the equivalent of individual rights, are nevertheless important in a smoothly functioning capitalist society.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to each member of the Montana Congressional Delegation.

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